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IN THE U.S. PATENT AND TRADEMARK OFFICE

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JUN 05 2003

May 30, 2003

GROUP 3600

Applicant(s): Hiroyuki MAEDA

For: OPERATING UNIT OF A VEHICLE HAVING AN AUTOMATIC BRAKING DEVICE

Serial No.: 09/648 290 Group: 3661

Confirmation No.: 5582

Filed: August 24, 2000 Examiner: Broadhead

International Application No.: N/A

International Filing Date: N/A

Atty. Docket No.: OPS C-500

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR RECONSIDERATION

Sir:

Responsive to the Office Action dated December 30, 2002, Applicant respectfully requests reconsideration based upon the following comments.

Applicant files herewith an RCE to permit continued examination of this application and the pending claims hereof. Simultaneously herewith, Applicant also submits an Information Disclosure Statement submitting new prior art which has recently come to the attention of the Applicant in a corresponding foreign application. Specifically, the IDS contains a copy of an Office Action issued in the corresponding Japanese application as well as the three Japanese language references cited in that Office Action.

To assist in consideration of the references, Applicant submits herewith English language translations of two of these references as provided by the Japanese Patent Office from

their website. Additionally, an English language Abstract is provided for the third reference which was obtained from the same source. Still further, an English translation of Claims 1 and 2 of the JP 63-215435 reference is provided which translation was provided to the undersigned by Applicant's Japanese representative. Consideration of these references is respectfully requested prior to issuance of further correspondence by the U.S. Patent and Trademark Office.

As to the present rejection of the claims based upon James, Tognazzini and Cooper, Applicant requests reconsideration of the claims based upon the following comments. Additionally, the undersigned intends to contact the Examiner to discuss this application and if the Examiner should receive this paper and is prepared to act on this case prior to contact by the undersigned, it is respectfully requested that the undersigned be contacted by telephone so that further discussion may occur prior to issuance of any further correspondence.

As to the claims, such claims are believed to still be in condition for allowance over the applied prior art.

More particularly, as to the discussion as to the meaning of "dumb car", the structural arrangement of such car is basically defined in Column 3, lines 22-29 of the James patent. According to James, such dumb cars merely carry basic instrumentation required to operate the vehicle and be controlled by the James highway system. Such basic instrumentation includes "actuators" required to steer, accelerate, and brake the vehicle, and a transponder used to communicate with the highway infra-structure. Column 5, lines 41-43 further note that the "actuators" for steering, acceleration and braking are "activated and controlled by a vehicle processor 50". Column 5, lines 44-45 further discloses that the commands received at the vehicle processor 50 "cause the actuators to be activated" which then changes the travel perimeters, namely the direction steered, the acceleration and the braking. As further disclosed in Column

5 and the top of Column 6, the operation commands are received at a high update rate to provide for smooth vehicle operation and fast response time to changing conditions. As disclosed in lines 62-68 of Column 5 and further continuing to the top of Column 6, developers have previously tried to "emulate the capabilities of a person in their actuator designs" but the automated highway system of James must have a response rate in the actuators that is "better than that of a person". This is believed to at least teach that the cars in James are not manually operated when on the highway system. Therefore, regardless of whether the vehicles of James might or might not have conventional manual controls, when such cars are being operated by the automated highway system, this disclosure is believed to specifically disclose that such actuators for steering, acceleration and braking are controlled only by a vehicle processor 50 to emulate the performance as though a person was actually driving the vehicle. This differentiates the James systems from the Tognazzini system such that the teachings of these references are distinguishable and are not believed readily applicable one to the other.

Turning next to a review of the Background of the Invention and specifically Column 1, line 6 through Column 2, line 6, this background is only believed to refer to prior art systems and not specifically provide teachings as to the specific structure of the James highway system.

Applicant's position therefore remains the same that James does not disclose a system of vehicles which are under the manual control of an operator when on the highway. James instead discloses a distinctly different arrangement wherein all activities are controlled electronically.

As to Applicant's discussion of the references individually, Applicant respectfully submits that such references can in fact be discussed individually to fully understand the entirety of the teachings contained in such references and whether the combination of such references is proper. As set forth in *In re Merck*, 231 USPQ 375, 380 (Fed.

Cir. 1986), a reference must be read not in isolation but for what it fairly teaches in combination with the prior art as a whole. The undersigned does not believe that the prior arguments have read such references in isolation but instead Applicant's arguments have read such references to understand fully what each individual reference teaches as a whole and what the entirety of these teachings then suggest as to the combination of such references. Applicant's position therefore remains the same that upon a full consideration of the entire teachings of each reference, such teachings individually contain distinct differences such that the combination of references is not obvious.

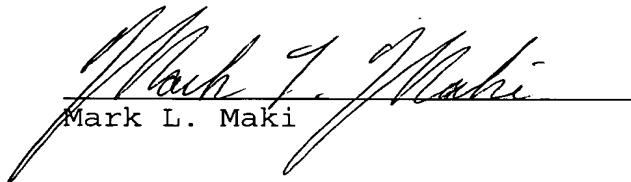
Further, even if the references are combined, the resulting structure still differs from Applicant's claimed arrangement, such that Applicant further submits that there is no motivation to make additional modifications to ultimately construct Applicant's claimed invention.

Specifically as to the rejections set forth in paragraphs 2 and 3 of the Office Action, it is noted that James does not disclose that a reference value corresponding to a target traveling speed is set within the vehicle. Column 2, lines 55-60 of Tognazzini also do not disclose this feature. This disclosure of Tognazzini refers to "controlling the warning device to communicate a safe speed to drivers based on a speed profile". This only refers to communication of a safe speed which inherently indicates that the communication is occurring from somewhere outside of the vehicle and being provided to cause slowing of the vehicle. Tognazzini still does not disclose that a reference value is set inside a vehicle wherein an automatic braking device operates with reference to this reference value to automatically reduce the actual traveling speed to the target traveling speed. Accordingly, James and Tognazzini, even if combined, do not disclose all of the features of Applicant's claimed invention. Therefore, the prior art does not disclose setting a target traveling speed and all of the pending claims are believed distinguishable

from James and Tognazzini. For this same reason, the rejection set forth in paragraphs 1 and 2 on page 4 of the Office Action also is believed to suffer from the same deficiency.

Further consideration of this application as well as the Information Disclosure Statement submitted herewith is respectfully requested.

Respectfully submitted,



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Encl: None

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